

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

JOHN HUBER, in his individual capacity)
and as Personal Representative of the) Case No. 21 C 969
ESTATE OF ANTHONY HUBER,)
)
Plaintiff)
)
vs.) Hon. Lynn Adelman,
) District Judge
)
DAVID G. BETH, *et al.*)
)
Defendants) JURY TRIAL DEMANDED

**PLAINTIFF' SECOND MOTION FOR AN EXTENSION OF TIME
TO SERVE SUMMONS ON DEFENDANT KYLE RITTENHOUSE**

Plaintiff JOHN HUBER, by his undersigned attorneys, pursuant to Federal Rule of Civil Procedure 4(m), respectfully moves for a 30-day extension of time to serve summonses on Defendant Rittenhouse, up to and including July 1, 2022, stating in support as follows:

1. Plaintiff continues to work diligently to complete service on Defendant Kyle Rittenhouse. *See Exhibit 1 (Declaration of Hershey Suri).*
2. On January 7, 2022, Plaintiff's Counsel filed a motion for leave to file an amended complaint in this lawsuit. Dkt. 25.
3. On February 2, 2022, the Court granted that motion, and the amended complaint was filed the same day. Dkt. 27.
4. The period for completing service initially ran through May 3, 2022. Fed. R. Civ. P. 4(m). A summons was issued on February 24, 2022. Ex. 1 ¶¶ 4-5. Dkt 29.

5. On February 26, 2022, Plaintiff began searching for Kyle Rittenhouse through multiple public records databases including Westlaw Public Records, Locate Plus, and Google. Ex. 1 ¶ 6.

6. On March 2, 2022, Plaintiff's investigator attempted service on Rittenhouse at his address in Illinois. Ex. 1 ¶ 7.

7. After multiple attempts, the investigator discovered that Rittenhouse no longer lived at that address. Ex. 1 ¶ 7. Plaintiff was not able to find his family members or further narrow any additional potential locations for Rittenhouse in Illinois. Ex. 1 ¶¶ 7-8.

8. Between March 7 and 13, 2022, Plaintiff began investigating social media for Rittenhouse's possible location. Ex. 1 ¶¶ 9-11. Plaintiff thought that he had discovered that Rittenhouse was attending Arizona State University in Phoenix, Arizona. Ex. 1 ¶ 12

9. Plaintiff's attorneys then retained third-party private investigators in Phoenix named OPS Consulting and Investigative Services LLC to locate Kyle Rittenhouse and serve him his summons and amended complaint. Ex. 1 ¶¶12-13.

10. On March 23, 2022, OPS Investigator Matthew V. Parker stated he had been unable to generate any Arizona leads for Rittenhouse after utilizing numerous databases, pulling vehicle information, and understanding everything about Rittenhouse and his associations. Ex. 1 ¶14.

11. On March 28, 2022, Parker informed Plaintiff's attorneys that his team had a conversation with Anthony DeMartino, the realtor heading Kyle Rittenhouse's organization "The Media Accountability Project." However, that conversation did not result in the discovery of Rittenhouse's whereabouts. Ex. 1 ¶¶14-15.

12. On April 12, 2022, Plaintiff's counsel received a message from OPS stating they had exhausted all leads. Ex. 1 ¶16.

13. On April 28, 2022, Plaintiff filed an Extension of Time to Serve Executed Summons on Rittenhouse and requested up to June 1, 2022, to serve Rittenhouse. Dkt. 45

14. On May 3, 2022, the court granted Plaintiff's motion, and shortly thereafter Plaintiff's Counsel sent their in-house investigator – Mort Smith – to discover Rittenhouse's location. Ex. 1 ¶18.

15. On May 25, 2022, Smith traveled to Reno, Nevada to attempt service on Rittenhouse based on an address he uncovered after his own investigation. There was no response at that address. Ex. 1 ¶19-20. Smith observed the Reno address for 15 consecutive hours. No individual made an appearance at the address. Ex. 1 ¶21.

16. Smith intends to fly to Reno again within the next week to make further attempts to locate and serve Defendant Rittenhouse next week. Ex. 1 ¶22.

17. Accordingly, additional time to serve and return executed summons of Kyle Rittenhouse is necessary.

18. This is Plaintiff's second request for an extension of time to complete service on Kyle Rittenhouse.

WHEREFORE, Plaintiff respectfully requests the Court to enter an order extending the time period to serve Defendant Rittenhouse by 30 days, up to and including July 1, 2022.

Respectfully submitted,

/s/ Steven Art
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I, Steve Art, an attorney, certify that on June 1, 2022, I filed the foregoing PLAINTIFF' SECOND MOTION FOR AN EXTENSION OF TIME TO SERVE SUMMONS ON DEFENDANT KYLE RITTENHOUSE using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Steve Art
Counsel for Plaintiff